

**TESTIMONY FOR THE SENATE
COMMITTEE
ON INDIAN AFFAIRS**

HONORABLE VICE-CHAIRMAN INOUE, MY name is Pauline Esteves. I am the Chairperson of the Timbisha Shoshone Tribe in Death Valley, California. In this capacity I have served as the chief spokesperson on the Tribal negotiation team.

Today I bring you and all the members of your Committee greetings from my people. They are intensely interested in the matter before you. They are at home anticipating that in your wisdom you will approve the legislation being proposed by the Department of Interior and the Tribe to establish a land base for the Timbisha Shoshone people.

Personally, I am delighted to be here today. I cannot find words to express my excitement. I have waited all life for the moment when my Tribe could come before the U.S. Congress. and ask the federal government to restore my people's ancestral land.

I have been waiting sixty-seven years, since 1933, when President Hoover seized our land and established the Death Valley National Monument. At that time, he made no provision for the Tribe he displaced--even though we had been there for generations before Euro-Americans had set foot in the area. We were treated as though we did not exist. We were anonymous, invisible. While 40-50 of us clung to our homeland and refused to go, and have been there ever since, the vast majority of our 250+ members dispersed to various places in Nevada and California. Alone, without the support and security of their families and their people, they were forced to break their ties and make it on their own.

Today, I am delighted to be able to sit before you as one of the last remaining elders and see this historical wrong corrected by Congress. I am delighted because in my remaining years, I can look forward to seeing our sons and daughters being finally granted a legal and permanent presence in our homeland. We will have land where we can live our lives as a healthy self-governing and financially self-reliant community. We will once again have a homeland where we can teach our young people the Timbisha Shoshone language and the Timbisha Shoshone cultural traditions and values. At last, we can save our unique way of life from extinction.

Since the passage of the California Desert Protection Act in October 1994, we have been in negotiations with the Department of Interior. We extend our thanks to Senator Feinstein who sponsored this Act, and to you personally Senator Inouye, and to other members of your Committee and Congress who passed the legislation and included Section 705 (b). Because of this Act and the special section which called for the study, in consultation with the Tribe, of the suitability of lands for a reservation for the Tribe, we were given the opportunity to sit down as equals with the National Park Service, the Bureau of Land Management, and other agencies and individuals in the Department of Interior. We were able "to work things out by talking things through." This process gave us an opportunity to be visible, to be a people with a past, present and future, a people with rights that deserve respect, recognition and satisfaction.

Sitting together, sovereign government speaking to sovereign government, we had the opportunity to fashion a comprehensive agreement that both the Tribe and the Department fully support. Today, after resolving our differences and coming to a mutual understanding, we come before you not only with one voice but with a strong, mutually respectful relationship between neighbors. Thanks to you and the

legislation, we have come up with an agreement, not crafted by people in Washington but by the people, at the local level, who will have to live with its terms and its consequences. Thanks to you and the legislation, we have come today, not with disagreements between us that you have to sort out, but instead with a finished product which the partners to the agreement find workable.

What you have before you, in the form of the proposed legislation, is based on an agreement in which all the component parts fit together and are internally reinforcing. Each element must go with all the others.

The Timbisha Shoshone Tribe and the U.S. Department of Interior are jointly proposing:

1. A tribal land base located in the Tribe's historical living areas, both inside and outside the Death Valley National Park. Because of the conditions in Death Valley, no one area could meet all the primary needs of the Tribe and the federal government. As a result, the parcels are located in different areas and are not contiguous.
2. We are proposing 300 acres in of trust land in Furnace Creek. As you know Senator, Furnace Creek is the commercial and administrative center of the Park. This location is today the only suitable area to create a viable residential community for the Tribe--the only location in the homeland that has the infrastructure (such as, roads, utilities, water, schools) and other amenities tribal members need to take care of their family's basic necessities.
3. This location in Furnace Creek is important in yet another respect. In Furnace Creek, the Tribe has the opportunity to create income by developing decent and appropriate jobs for our people--at the same time we can provide unique culturally based educational experiences and important services to people visiting the Park.
4. In addition to the Furnace Creek location, we are proposing four other parcels of federal land and several parcels of private land identified for potential economic development. These parcels are located along roads which lead in and out of the Park. Additionally, these parcels have historical significance to the Tribe. The private parcels identified in the report were all once in tribal member ownership and lost as a result of white mans advancement into our Homeland.
5. We have thought about the present. We have also looked forward far into the future. Therefore it is important for the Tribe to have land beyond Furnace Creek upon which to grow and expand. The four federal parcels and private lands identified by the Tribe in its proposal will meet the Tribe's future needs. These parcels outside the Park will prevent overcrowding and adverse environmental impacts to Furnace Creek.
6. Finally, I want to point out that the legislation provides not only a permanent land base for the Tribe. It provides a complementary way the Tribes can establish a presence. The proposal provides opportunities for the Tribe and Tribal members to engage in cooperative activities and enter cooperative agreements with NPS and BLM to share responsibility for protecting and enhancing the natural and cultural resources of the Park and surrounding areas. We can look forward to once again fulfill our historical responsibility of stewardship. Once again we can be active parts of the ecological equation, tending the springs, nurturing the native vegetation, and protecting the endangered wildlife.

In closing, I thank you for the passing of the California Desert Protection Act and including the provision which called for the creation of a land base for the Timbisha people in it ancestral homeland. We invite you to take our “win/win” agreement and transform it into legislation that will make it a reality. Thank you very much for the time to make this presentation.